UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI SOUTHEASTERN DIVISION

MICHAEL STOCKDALE,)	
Plaintiff,)	
v.	,)	No. 1:06-CV-25 CAS
)	
CHUCK DWYER, et al.,)	
)	
Defendants.)	

ORDER

This matter is before the Court on review of the file. Plaintiff Michael Stockdale filed a "Response to Defendant Chuck Dwyer's Answer to the Above Styled Cause," which has been docketed as a reply to defendant Dwyer's answer. An examination of the document indicates that it is plaintiff's reply to the answer filed by defendant Dwyer.

Rule 7 of the Federal Rules of Civil Procedure specifies the pleadings which are permitted to be filed in a federal civil case. The Rule states:

There shall be a complaint and an answer; a reply to a counterclaim denominated as such; an answer to a cross-claim, if the answer contains a cross-claim; a third-party complaint, if a person who was not an original party is summoned under the provisions of Rule 14; and a third-party answer, if a third-party complaint is filed. No other pleading shall be allowed, except that the court may order a reply to an answer or a third-party answer.

Rule 7(a), Fed. R. Civ. P. (emphasis added).

"No reply should be made to an answer . . . that does not itself contain a counterclaim denominated as such, unless a reply is ordered by the court. . . . A clear showing of necessity or of extraordinary circumstances of a compelling nature will usually be required before the court will order a reply." 2 James Wm. Moore, et al., Moore's Federal Practice § 7.02[7][b] (3d ed. 2006).

In this case, defendant Dwyer's answer did not contain a counterclaim and the Court did not order plaintiff to file a reply to the answer. The reply filed by plaintiff does not indicate a clear showing of necessity or of extraordinary circumstances of a compelling nature. Plaintiff's reply is therefore not properly filed pursuant to Rule 7(a), Fed. R. Civ. P., and will be stricken from the

Accordingly,

record.

IT IS HEREBY ORDERED that plaintiff's reply to defendant Dwyer's answer is STRICKEN from the record of this case. [Doc. 19]

IT IS FURTHER ORDERED that the Clerk of the Court shall delete Document 19, plaintiff's reply to the defendant Dwyer's answer, from the record of this matter.

CHARLES A. SHAW

UNITED STATES DISTRICT JUDGE

Dated this 14th day of August, 2006.